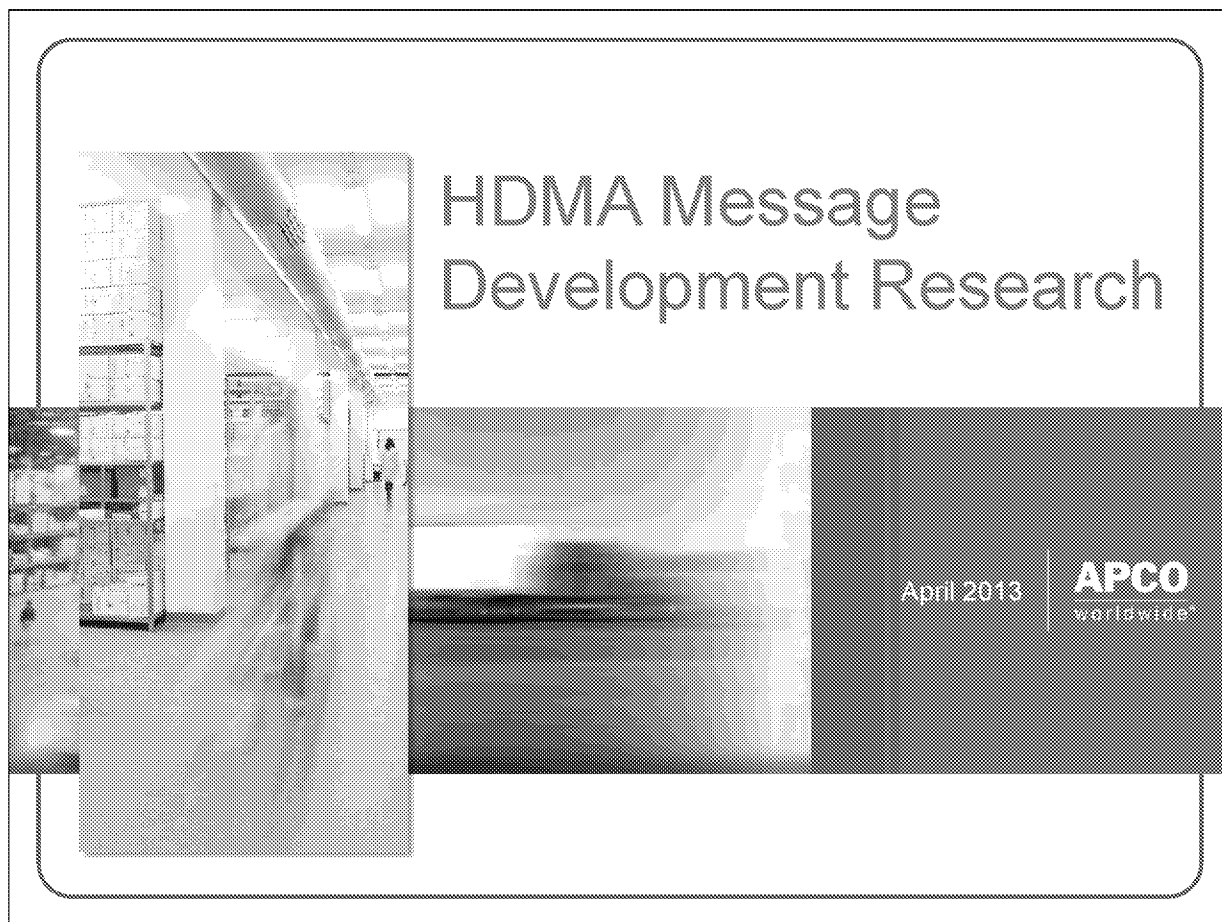
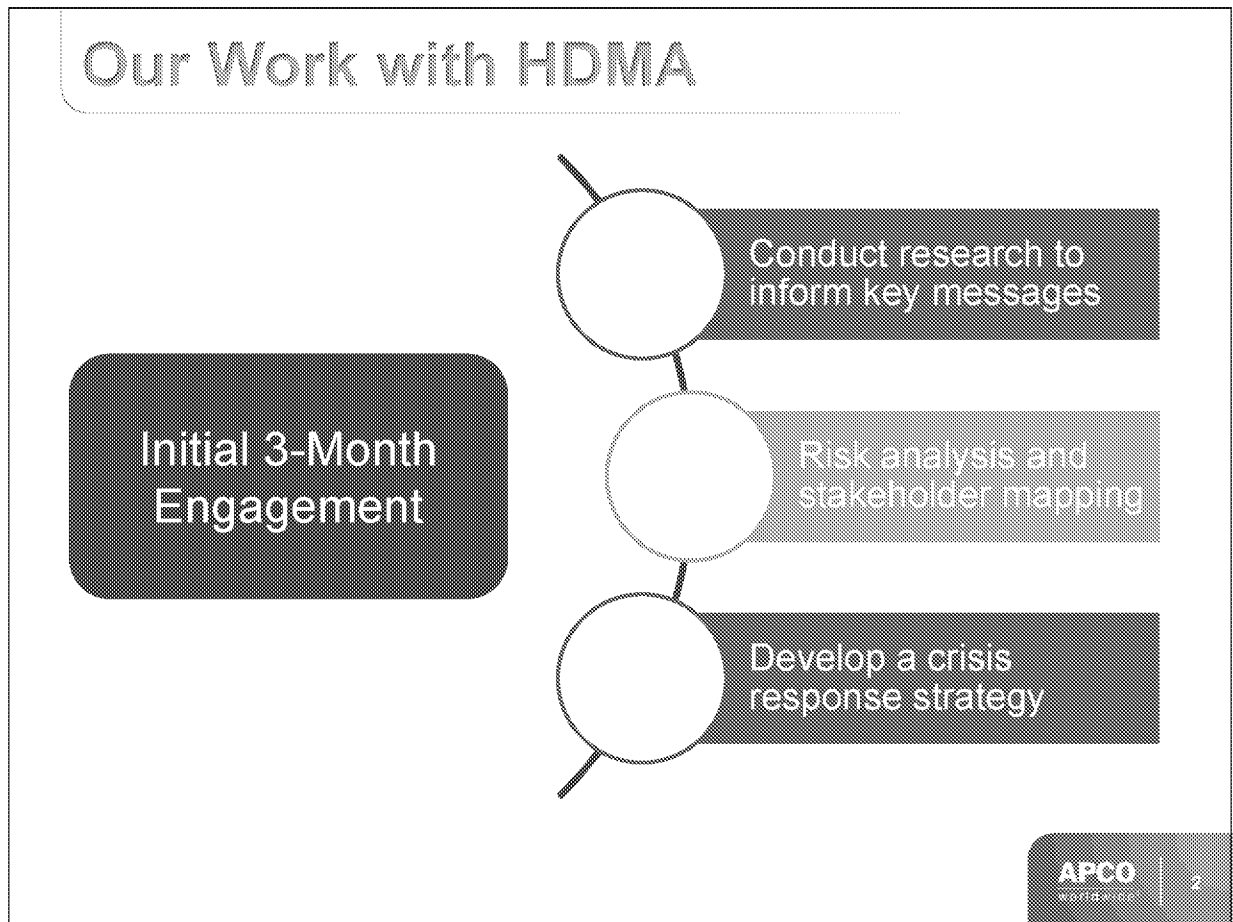


**Plaintiffs' Memorandum in Opposition
to Joint Motion for Summary
Judgment for Failure to Prove Fault
Element of Public Nuisance Claims**

**Ex 49 – CAH_MDL2804_01505341-
349**

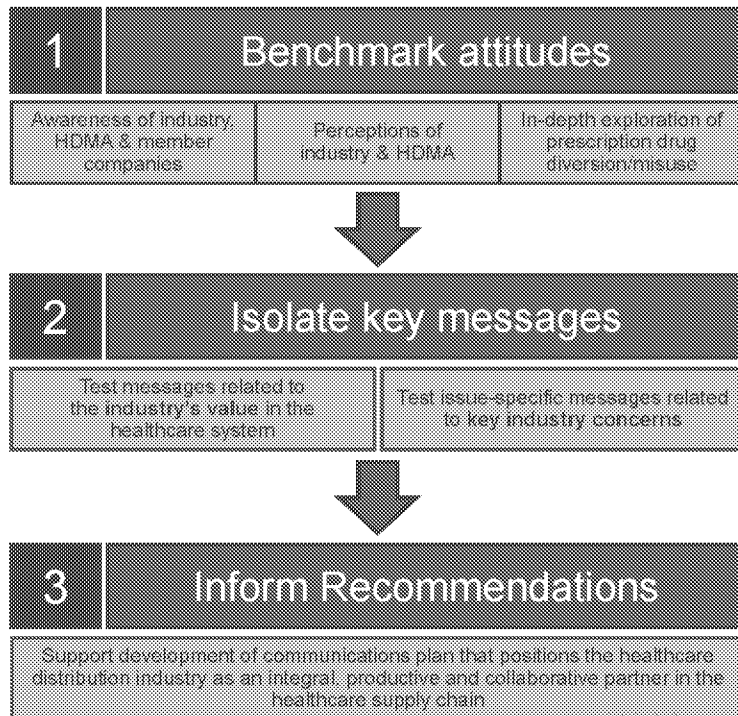




Research Approach & Objectives

Qualitative (focus groups and in-depth interviews) and **quantitative** (survey) research was conducted among the following audiences:

-  Opinion Leaders
-  Pharmacists
-  Policy Influencers
-  Law Enforcement

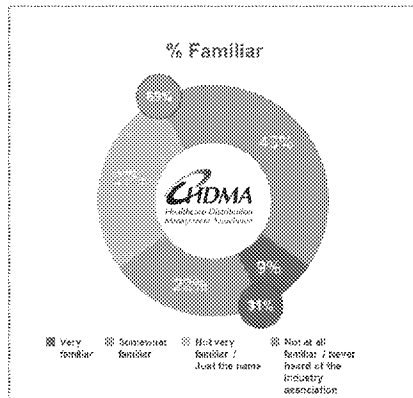


3

Describing

Industry Awareness & Perceptions

- There is low awareness of HDMA and the primary healthcare distribution industry. Awareness tends to be linked with direct engagement with member companies, as well as recognition of DEA monitoring and/or shortage issues.
- A lack of clarity exists regarding HDMA's role and responsibilities. By some, HDMA is described as a "wholesaler," "advocacy," or "lobbying" organization. Still, many incorrectly describe HDMA as a health insurance company, a government agency or service provider.
- Terms "distributor" and "supply chain" align best with respondents' image of primary healthcare distributors. There is less alignment with "security expert" or "patient-centric."
- Both the prescription supply chain *and* primary healthcare distributors are described as "safe," "trustworthy" and "reliable." Notably, Opinion Leaders' views are more intense regarding the supply chain, whereas Pharmacists give more credit when evaluating the distributors. Across audiences, however, questions persist regarding primary healthcare distributors' cost-adding or cost-saving value.



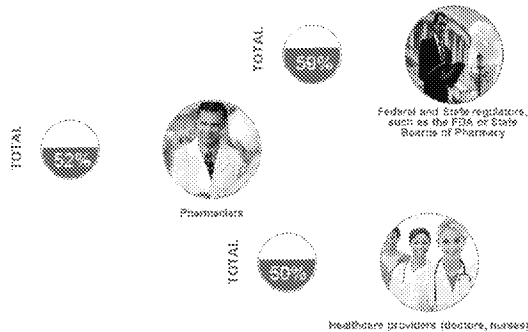
What does the name "Healthcare Distribution Management Association" mean to you?



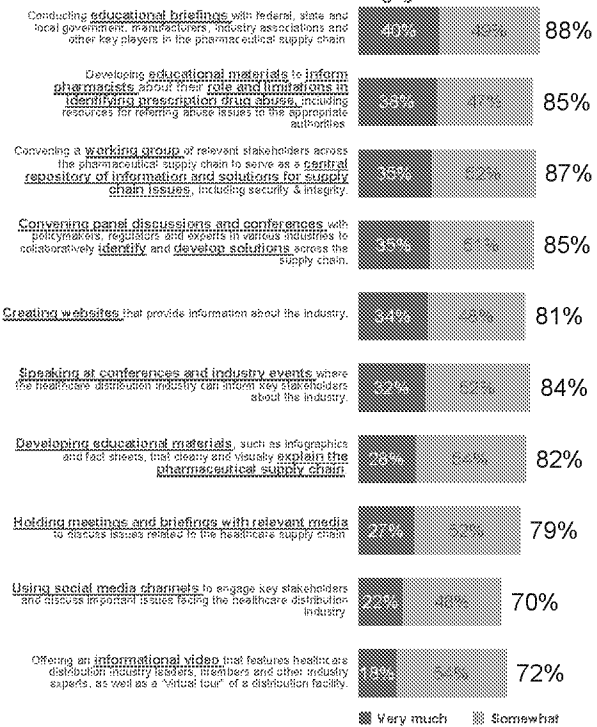
To interpret word cloud: words that appear more frequently are shown with greater prominence.

Collaboration Throughout Supply Chain

- Nearly all think that HDMA can be a credible partner. Indeed, most believe that the industry has room to build its reputation – significant majorities give the industry the benefit of the doubt.
- Policy Influencers & Law Enforcement hold the industry in even higher regard – half believe the industry can be respected and responsible if it voluntarily sets standards.
- However, skepticism underlies views: more than half seek additional regulation (especially Opinion Leaders).
- The industry is expected to collaborate with regulators, pharmacists and prescribers, at the top of the list. Further, a wide range of activities were described as important and credible, including educational briefings, pharmacist education materials, supply chain working groups and solution-oriented panel discussions.

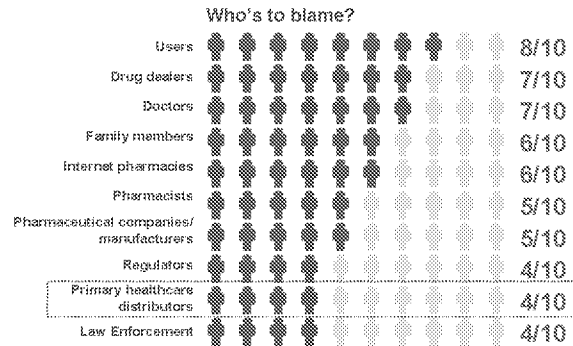


Demonstrate Collaborative Engagement



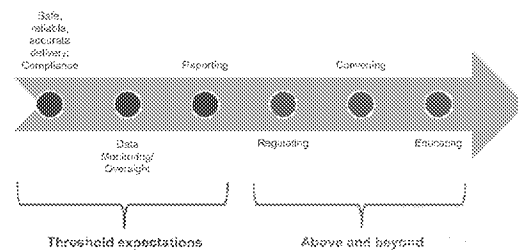
Prescription Drug Diversion & Misuse

- Strong majorities believe that the misuse of prescription pain medication in the U.S. is a serious problem.
- Users, drug dealers and doctors are considered among the most responsible for prescription pain medication misuse. In terms of culpability, distributors rank at the bottom. Pharmacists are least likely to point their finger at distributors.
- A quarter of respondents have read, seen or heard about the role of primary healthcare distributors regarding drug diversion. The most frequent reference was related to distributors in Florida.
- Although many think it is reasonable to hold primary healthcare distributors responsible for prescription pain medication diversion and misuse, a strong majority also believe these companies can play a credible role in helping prevent diversion and misuse.
- Advanced analysis revealed that respondents organize their thoughts about drug diversion and misuse into five categories: compliance, data monitoring/oversight, reporting, regulating and educating/convening.
- Messages regarding compliance and educating/convening are both credible and have the greatest impact in driving positive opinion movement:
 - Compliance:** The industry association, HMDA, proactively developed Industry Compliance Guidelines
 - Educating/Convening:** The healthcare distribution industry is committed to working collaboratively to address the serious national epidemic of prescription drug abuse



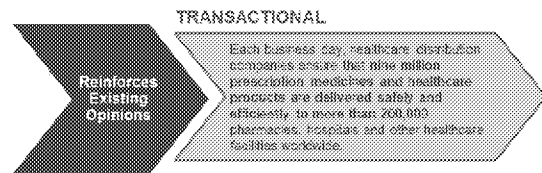
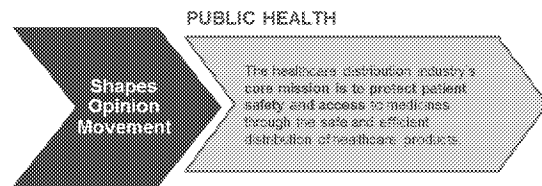
"That's crazy. It's like they're suing the distributors for people's prescription drug abuse. That's like suing McDonald's for people's cholesterol problems."
Opinion Leader

What's the Solution?



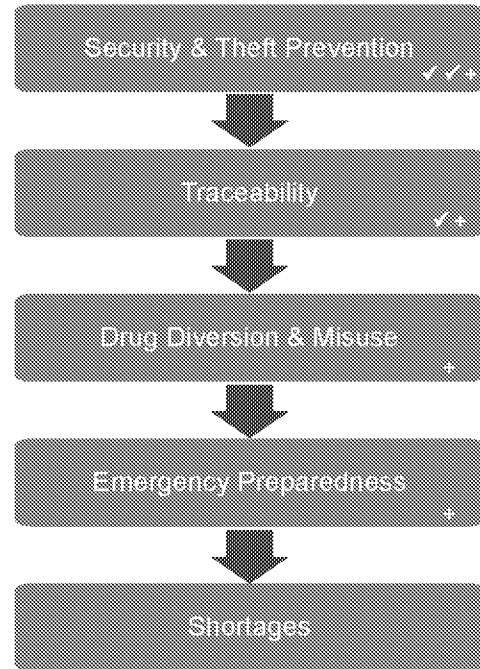
Industry Positioning

- Qualitative research revealed a number of benefits primary healthcare distributors provide, including: efficiencies/economies of scale, specialization, logistics management, oversight expertise in security, ability to monitor sales and protecting the supply chain in times of crisis.
- Eight messages describing the primary healthcare distributors' essential role in the pharmaceutical supply chain were tested in the quantitative survey.
- Two distinct themes emerge among the messages that were tested:
 - Public health: core mission to protect patient safety & access
 - Transactional: delivering more than 9M products to 200k facilities
- Advanced analysis reveals that messages focusing on **"transactional"** themes are supportive of existing views of HDMA, while **"public health"** themes positively move opinion towards favorable impressions of HDMA.
- Messages have the effect of positively shaping views of the industry – especially among Pharmacists.



Issue Agenda

- Advanced analysis was conducted to determine which issues are most important to address to positively shape the image of the industry.
- Messages relating to **Security & Theft Prevention** are most important for positive opinion movement. Combined with high levels of credibility, these messages are the strongest in affecting positive change and bolstering support for the industry.
- **Traceability** messages rank second in terms of importance and are both credible and impactful.
- **Drug Diversion & Misuse** messages rank third in terms of message impact. However, these messages are less credible and therefore should not be used in isolation. Instead, they should be bolstered with additional facts around **Security & Theft Prevention** and **Traceability** to enhance the receptivity of the messages.
- **Emergency Preparedness** messages also play a part in positive opinion change, but to a much lesser degree than other message themes. Consider a tailored message approach among Opinion Leaders, among whom emergency preparedness messages have the highest impact.



✓ = credible
+ = impactful

8

Industry's Value Proposition

The healthcare distribution industry's core mission is to protect patient safety and access to medicines through the safe and efficient distribution of healthcare products. It does this by:

Protecting the security and integrity of the healthcare supply chain

Advocating for a national traceability solution

Combatting drug diversion

Preparing for emergencies and protecting the supply chain in times of crisis

The primary healthcare distribution industry is an essential and collaborative partner in ensuring a safe, secure and reliable pharmaceutical supply chain.